

House File 2280 - Introduced

HOUSE FILE 2280
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 516)

A BILL FOR

1 An Act relating to the self-administration and storage
2 of bronchodilators, bronchodilator canisters, and
3 bronchodilator canisters and spacers relative to schools and
4 students.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 280.16, Code 2022, is amended to read as
2 follows:

3 **280.16 Self-administration of respiratory distress, asthma,**
4 **or other airway constricting disease medication, ~~or~~ epinephrine**
5 **auto-injectors, bronchodilator canisters, or bronchodilator**
6 **canisters and spacers.**

7 1. *Definitions.* For purposes of **this section**:

8 **a. "Bronchodilator" means a bronchodilator as recommended by**
9 **the department of public health for treatment of a student's**
10 **respiratory distress, asthma, or other airway constricting**
11 **disease.**

12 **b. "Bronchodilator canister" means a portable drug**
13 **delivery device packaged with multiple premeasured doses of a**
14 **bronchodilator.**

15 ~~**c.**~~ **"Epinephrine auto-injector" means a device for**
16 **immediate self-administration or administration by another**
17 **trained individual of a measured dose of epinephrine to a**
18 **person at risk of anaphylaxis.**

19 ~~**d.**~~ **"Licensed health care professional" means a person**
20 **licensed under **chapter 148** to practice medicine and surgery or**
21 **osteopathic medicine and surgery, an advanced registered nurse**
22 **practitioner licensed under **chapter 152** or **152E** and registered**
23 **with the board of nursing, or a physician assistant licensed to**
24 **practice under the supervision of a physician as authorized in**
25 **chapters 147 and **148C**.**

26 ~~**e.**~~ **"Medication" means a drug that meets the definition**
27 **provided in **section 126.2, subsection 8**, has an individual**
28 **prescription label, is prescribed by a licensed health care**
29 **professional for a student, and pertains to the student's**
30 **respiratory distress, asthma, or other airway constricting**
31 **disease, or risk of anaphylaxis, and includes but is not**
32 **limited to a bronchodilator.**

33 ~~**f.**~~ **"Self-administration" means a student's discretionary**
34 **use of medication prescribed by a licensed health care**
35 **professional for the student.**

1 g. "Spacer" means a holding chamber that is used to optimize
2 the delivery of a bronchodilator to a person's lungs.

3 2. The board of directors of a school district and the
4 authorities in charge of an accredited nonpublic school shall
5 permit the self-administration of medication or the use of a
6 bronchodilator canister or bronchodilator canister and spacer
7 by a student with respiratory distress, asthma, or other airway
8 constricting disease or the use of an epinephrine auto-injector
9 by a student with a risk of anaphylaxis if the following
10 conditions are met:

11 a. The student's parent or guardian provides to the
12 school written authorization for the self-administration
13 of medication, for the use of a bronchodilator canister or
14 bronchodilator canister and spacer, or for the use of an
15 epinephrine auto-injector.

16 b. The student's parent or guardian provides to the school
17 a written statement from the student's licensed health care
18 professional containing the following information:

19 (1) The name and purpose of the medication, bronchodilator
20 canister, bronchodilator canister and spacer, or epinephrine
21 auto-injector.

22 (2) The prescribed dosage.

23 (3) The times at which or the special circumstances under
24 which the medication, bronchodilator canister, bronchodilator
25 canister and spacer, or epinephrine auto-injector is to be
26 administered.

27 c. The parent or guardian and the school meet the
28 requirements of [subsection 3](#).

29 3. The school district or accredited nonpublic school
30 shall notify the parent or guardian of the student, in
31 writing, that the school district or accredited nonpublic
32 school and its employees are to incur no liability, except
33 for gross negligence, as a result of any injury arising from
34 self-administration of medication, use of a bronchodilator
35 canister or bronchodilator canister and spacer, or use of

1 an epinephrine auto-injector by the student. The parent or
 2 guardian of the student shall sign a statement acknowledging
 3 that the school district or nonpublic school is to incur
 4 no liability, except for gross negligence, as a result of
 5 self-administration of medication, use of a bronchodilator
 6 canister or bronchodilator canister and spacer, or use
 7 of an epinephrine auto-injector by the student. A school
 8 district or accredited nonpublic school and its employees
 9 acting reasonably and in good faith shall incur no liability
 10 for any improper use of medication, use of a bronchodilator
 11 canister or bronchodilator canister and spacer, or an
 12 epinephrine auto-injector as defined in [this section](#) or for
 13 supervising, monitoring, or interfering with a student's
 14 self-administration of medication, use of a bronchodilator
 15 canister or bronchodilator canister and spacer, or use of an
 16 epinephrine auto-injector as defined in [this section](#).

17 4. The permission for self-administration of medication
 18 ~~or,~~ for the use of a bronchodilator canister or bronchodilator
 19 canister and spacer, or for the use of an epinephrine
 20 auto-injector is effective for the school year for which it is
 21 granted and shall be renewed each subsequent school year upon
 22 fulfillment of the requirements of [this section](#). However, the
 23 parent or guardian shall immediately notify the school of any
 24 changes in the conditions listed under [subsection 2](#).

25 5. Provided that the requirements of [this section](#) are
 26 fulfilled, a student with respiratory distress, asthma, or
 27 other airway constricting disease may possess and use the
 28 student's medication and a student with a written statement
 29 from a licensed health care professional on file pursuant to
 30 subsection 2, paragraph "a", may use a bronchodilator canister,
 31 a bronchodilator canister and spacer, or an epinephrine
 32 auto-injector while in school, at school-sponsored activities,
 33 under the supervision of school personnel, and before or after
 34 normal school activities, such as while in before-school or
 35 after-school care on school-operated property. If the student

1 misuses this privilege, the privilege may be withdrawn. A
2 school district or nonpublic school shall notify a student's
3 parent or guardian before withdrawing the privilege to use a
4 bronchodilator canister, a bronchodilator canister and spacer,
5 or an epinephrine auto-injector.

6 6. Information provided to the school under [subsection 2](#)
7 shall be kept on file in the office of the school nurse or, in
8 the absence of a school nurse, the school's administrator.

9 7. The Iowa braille and sight saving school, the Iowa school
10 for the deaf, and the institutions under the control of the
11 department of human services as provided in [section 218.1](#) are
12 exempt from the provisions of [this section](#).

13 Sec. 2. Section 280.16A, Code 2022, is amended to read as
14 follows:

15 **280.16A Epinephrine auto-injector, bronchodilator canister,**
16 **and bronchodilator canister and spacer supply.**

17 1. For purposes of [this section](#), unless the context
18 otherwise requires:

19 *a. "Bronchodilator" means the same as defined in section*
20 *280.16.*

21 *b. "Bronchodilator canister" means the same as defined in*
22 *section 280.16.*

23 ~~*a.*~~ *c. "Epinephrine auto-injector" means the same as*
24 *provided in [section 280.16](#).*

25 ~~*b.*~~ *d. "Licensed health care professional" means the same as*
26 *provided in [section 280.16](#).*

27 ~~*e.*~~ *e. "Personnel authorized to administer epinephrine*
28 *or a bronchodilator" means a school nurse or other employee*
29 *of a school district or accredited nonpublic school trained*
30 *and authorized to administer an epinephrine auto-injector,*
31 *a bronchodilator canister, or a bronchodilator canister and*
32 *spacer.*

33 *f. "School nurse" means a registered nurse holding current*
34 *licensure recognized by the board of nursing who practices in*
35 *the school setting to promote and protect the health of the*

1 school population by using knowledge from the nursing, social,
2 and public health sciences.

3 g. "Spacer" means the same as defined in section 280.16.

4 2. Notwithstanding any other provision of law to the
5 contrary, a licensed health care professional may prescribe
6 epinephrine auto-injectors, bronchodilator canisters, and
7 bronchodilator canisters and spacers in the name of a school
8 district or accredited nonpublic school to be maintained for
9 use as provided in [this section](#).

10 3. The board of directors in charge of each school
11 district and the authorities in charge of each accredited
12 nonpublic school may obtain a prescription for epinephrine
13 auto-injectors, bronchodilator canisters, and bronchodilator
14 canisters and spacers and maintain a supply of such epinephrine
15 auto-injectors, bronchodilator canisters, and bronchodilator
16 canisters and spacers in a secure location at each school for
17 use as provided in [this section](#). The board and the authorities
18 shall replace epinephrine auto-injectors, bronchodilator
19 canisters, and bronchodilator canisters and spacers in
20 the supply upon use or expiration. Personnel authorized
21 to administer epinephrine or a bronchodilator may possess
22 and administer epinephrine auto-injectors, bronchodilator
23 canisters, or bronchodilator canisters and spacers, as
24 applicable, from the supply as provided in [this section](#).

25 4. Personnel authorized to administer epinephrine or
26 a bronchodilator may provide or administer an epinephrine
27 auto-injector, a bronchodilator canister, or a bronchodilator
28 canister and spacer, as applicable, from the school's supply to
29 a student or other individual if such personnel reasonably and
30 in good faith believe the student or other individual is having
31 an anaphylactic reaction or requires treatment for respiratory
32 distress, asthma, or other airway constricting disease.

33 5. The following persons, provided they have acted
34 reasonably and in good faith, shall not be liable for
35 any injury arising from the provision, administration,

1 or assistance in the administration of an epinephrine
2 auto-injector, a bronchodilator canister, or a bronchodilator
3 canister and spacer as provided in this section:

4 a. Any personnel authorized to administer epinephrine or
5 a bronchodilator who, as applicable, provide, administer, or
6 assist in the administration of an epinephrine auto-injector
7 to a student or other individual present at the school who
8 such personnel believe to be having an anaphylactic reaction
9 or in the administration of a bronchodilator canister or a
10 bronchodilator canister and spacer to a student or other
11 individual present at the school who such personnel believe to
12 require treatment for respiratory distress, asthma, or other
13 airway constricting disease.

14 b. A school district or accredited nonpublic school
15 employing the personnel.

16 c. The board of directors in charge of the school district
17 or authorities in charge of the accredited nonpublic school.

18 d. The prescriber of the epinephrine auto-injector,
19 bronchodilator canister, or bronchodilator canister and spacer.

20 6. The department of education, the board of medicine,
21 the board of nursing, and the board of pharmacy shall, in
22 consultation with an organization representing school nurses,
23 adopt rules pursuant to [chapter 17A](#) to implement and administer
24 this section, including but not limited to standards and
25 procedures for the prescription, distribution, storage,
26 disposal, replacement, and administration of epinephrine
27 auto-injectors, bronchodilator canisters, and bronchodilator
28 canisters and spacers, and for training and authorization to be
29 required for personnel authorized to administer epinephrine or
30 a bronchodilator.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill relates to the self-administration, storage,
35 and supply of bronchodilators, bronchodilator canisters, and

1 bronchodilator canisters and spacers relative to schools and
2 students.

3 Current law provides for the self-administration by
4 students of asthma or other airway constricting disease
5 medication or epinephrine auto-injectors. The bill adds a
6 bronchodilator specifically to the definition of "medication",
7 adds respiratory distress as a condition that may be treated
8 by the medication, and adds bronchodilator canisters and
9 bronchodilator canisters and spacers to the list of devices
10 that may be self-administered by students and stored relative
11 to students and schools. The bill includes definitions of
12 "bronchodilator", "bronchodilator canister", and "spacer".

13 The bill requires that the same conditions be met for the
14 board of directors of a school district and the authorities
15 in charge of an accredited nonpublic school to permit the
16 self-administration of medication or the use of bronchodilator
17 canisters and bronchodilator canisters and spacers by a
18 student as are currently required for the self-administration
19 of medication or the use of an epinephrine auto-injector
20 by a student. The bill also applies to a bronchodilator,
21 bronchodilator canisters, and bronchodilator canisters and
22 spacers the same requirements for self-administration and
23 use of medication or epinephrine auto-injectors relating to
24 permissions, the requirements for the provision of written
25 statements from licensed health care professionals, and the
26 maintaining of information provided to the school.

27 The bill expands provisions authorizing a licensed health
28 care professional to prescribe epinephrine auto-injectors
29 in the name of a school district or accredited nonpublic
30 school to be maintained for use at a school to also include
31 bronchodilator canisters and bronchodilator canisters
32 and spacers. The bill also expands current provisions
33 allowing personnel authorized to administer epinephrine to
34 provide or administer an epinephrine auto-injector from the
35 school's supply to allow personnel authorized to administer

1 a bronchodilator to provide or administer a bronchodilator
2 canister or bronchodilator canister and spacer from the
3 school's supply, and provides liability protection for persons
4 who act reasonably and in good faith. The bill expands the
5 requirement that the department of education, the board of
6 medicine, the board of nursing, and the board of pharmacy, in
7 consultation with an organization representing school nurses,
8 adopt rules pursuant to Code chapter 17A to implement and
9 administer the bill relative to bronchodilators, bronchodilator
10 canisters, and bronchodilator canisters and spacers and also
11 to adopt rules for the disposal of epinephrine auto-injectors,
12 bronchodilator canisters, and bronchodilator canisters and
13 spacers.